

Jared Huffman: Rehab loophole must be closed

Staff Report

Article Launched: 09/02/2007 11:05:53 PM PDT

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CALIFORNIA HAS a long history when it comes to rehabilitating people with drug and alcohol addictions, and with an estimated 9.3 percent of Californian having alcohol or drug abuse problems, access to treatment is more important than ever.

To increase the availability of treatment in neighborhood settings, California passed a law in 1984 that streamlined the state licensing process for residential facilities treating six or fewer persons, and preempted local permitting authority over such facilities.

Unfortunately, in Marin another law is coming into play regarding residential treatment centers: the law of unintended consequences.

Soon after my election to the Assembly, I learned about Bayside Marin, a rehabilitation center in San Rafael. Bayside Marin consists of several residences, each with its own six-person license from the Department of Alcohol and Drug Programs, clustered together and operated as a single rehabilitation campus. Bayside Marin pitches the campus environment, along with such amenities as gourmet meals, acupuncture, massage and sweat lodge ceremonies, to attract customers who pay in the range of \$50,000 a month to receive treatment in a five-star resort setting.

This sounds like a wonderful place for a very wealthy person with addiction problems to seek treatment. The problem is this type of elaborate rehabilitation complex has vastly different impacts than a six-person treatment facility, yet local officials and neighbors had no input regarding the location, configuration or terms of operations for Bayside Marin.

Upon learning these things, my staff and I began working with the Department of Alcohol and Drug Programs, local officials such as Supervisor Susan Adams and local residents on ways to address this situation. In July, and again in August, I wrote letters to the state department seeking answers to key questions about why state authorities were allowing large rehabilitation campuses to circumvent local input and approval under a law intended for small six-person facilities that blend into neighborhoods.

The responses I have received from the department confirm that state regulators are not considering local input, and are interpreting the law in a hyper-technical way that invites abuse. As long as each building has a separate mailing address,

the Department of Alcohol and Drug Programs will grant any number of individual licenses, even if they are bundled together into large campuses. ADP admits its interpretation allows such campuses to operate and expand to any size, with no local input and no consideration of environmental impacts. This unfortunate interpretation has opened a gaping hole in the licensing system that must be fixed.

Even as my staff began working on a legislative solution, news came in mid-August that the Department of Alcohol and Drug Programs had quietly approved a new series of licenses in Marin that would allow an even larger, high-priced rehab center at the historic Alta Mira Hotel in Sausalito.

I strongly support increasing access to rehabilitation programs, and I don't begrudge those who make a profit by providing treatment. But the Bayside Marin and Alta Mira examples serve as a wake-up call for this community, and a call to action for legislators.

We must prevent important drug and alcohol treatment policies from being gamed by profit-minded interests. Toward that end, I intend to introduce legislation to clarify that licenses for six-person residential treatment facilities cannot be bundled into sprawling rehab resorts, and that large facilities - even if they consist of clustered individual residences - must comply with local review and approval requirements.

It could take as much as a year for this legislation, if it passes, to become effective. In the meantime, facilities such as Bayside Marin and Alta Mira will be open for business and may well attempt to expand. Concerned residents and public officials should contact the Department of Alcohol and Drug Programs and demand that they regulate these rehabilitation campuses under the more stringent laws pertaining to large facilities, instead of continuing to pretend they are separate six-person facilities.

You can get the state department's contact information by going to its Web site (www.adp.cahwnet.gov/contact.shtml) or by calling my district office at 415-479-4920.

Whether through legislation, or by persuading state regulators to use common sense, we should work together to restore the original intent of our residential drug and alcohol treatment law.

Jared Huffman, a San Rafael Democrat, represents Marin and parts of San Francisco and Sonoma counties in the state Assembly.